

Resolution No. 2009.40Downtown Area Specific Plan - 12/17/09
RESOLUTION NO. 2009-40

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, APPROVING THE DOWNTOWN FOUNTAIN HILLS AREA SPECIFIC PLAN.

WHEREAS, on September 17, 2009, the Mayor and Council of the Town of Fountain Hills (the "Town Council") approved the Downtown Fountain Hills Vision Plan (the "Downtown Vision Plan"); and

WHEREAS, the Town Council desires to adopt the Downtown Vision Plan as an Area Specific Plan as provided in Ariz. Rev. Stat. § 9-461.09, as amended, to be known as the "Downtown Fountain Hills Area Specific Plan" (the "Area Specific Plan"); and

WHEREAS, the proposed Area Specific Plan provides for appropriate land uses for the downtown area; and

WHEREAS, the proposed Area Specific Plan satisfactorily addresses the issues of traffic circulation, adequacy of public utilities, transition to existing development, economic development, the preservation of open space and all of the elements of the Town's adopted General Plan; and

WHEREAS, notice of the public hearings on the proposed Area Specific Plan before the Planning and Zoning Commission (the "Commission") was provided in the *Fountain Hills Times* on November 4, 2009 and November 11, 2009; and

WHEREAS, notice of the public hearings on the proposed Area Specific Plan before the Town Council was provided in the *Fountain Hills Times* on November 18, 2009; and

WHEREAS, public hearings on the Area Specific Plan were held by the Commission on November 30, 2009 and December 10, 2009, and by the Town Council on December 17, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The Area Specific Plan contained in file ASP2009-01, including narrative text that clarifies and supports modifications in land use and changes to the area shown on the Land Use Map, as described in Exhibits A and B, attached hereto and incorporated herein by reference, is hereby adopted.

SECTION 2. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
December 17, 2009.

FOR THE TOWN OF FOUNTAIN HILLS: ATTESTED TO:

Jay T. Schlum, Mayor

Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Richard L. Davis, Town Manager

Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
RESOLUTION NO. 2009-40

[Legal Description]

See following pages.

EXHIBIT B
TO
RESOLUTION NO. 2009-40

[Downtown Area Specific Plan]

See following pages.